



Attorney Docket No. 082671-0191

Handwritten: DAC, #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josephus Martinus Maria VAN GASTEL
Title: COMPONENT PLACEMENT MACHINE
Appl. No.: 09/594,405
Filing Date: June 15, 2000
Examiner: Anthony D. TUGBANG
Art Unit: 3729
Abandoned: January 29, 2005

**PETITION FOR REVIVE FOR UNINTENTIONAL ABANDONMENT
UNDER 37 C.F.R. §§ 1.137(b) and 1.181(a)(3)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Abandonment mailed on June 1, 2005, this Petition requests a revival of the above-captioned patent application. A revival of the application was necessitated by an unintentional abandonment of the application, as later explained in detail.

The required reply to the Office Action mailed October 29, 2004 is being filed concurrently herewith by way of a Request for Continued Examination ("RCE"); a copy of the RCE, including the reply, is attached as APPENDIX E. The entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional.

Applicants are also concurrently filing an executed "Revocation of Prior Powers of Attorney By Assignee, Appointment of New Power of Attorney by Assignee, and Change of Correspondence Address," a copy of which is attached as APPENDIX F.

07/05/2005 SZEWDIE1 00000016 09594405

01 FC:1453

1500.00 0P

FACTS

1. Prior to September 29, 2004, the current Assignee (*i.e.*, Assembléon N.V.) acquired the rights to the above-captioned patent application from the prior Assignee (*i.e.*, Philips Electronics North America Corp.).

2. On September 29, 2004, current counsel of record was contacted by Assembléon N.V.'s European counsel and was asked to assume prosecution of the above-captioned patent application. A copy of the letter from Assembléon N.V.'s European counsel is attached hereto as APPENDIX A.

3. As the above-captioned patent application is unavailable in Public P.A.I.R., current counsel of record called Examiner Tugbang on October 22, 2004 to inquire as to the status of the application. Examiner Tugbang informed current counsel of record that: (a) an Office Action had been mailed on May 17, 2004; (b) prior counsel of record had timely filed a reply on August 17, 2004; and (c) no action was required by the Assignee at that time.

4. On October 29, 2004, Examiner Tugbang issued a Final Office Action that was responsive to the reply filed by prior counsel of record on August 17, 2004. The final Office Action was mailed to prior counsel of record. A copy of the Final Office Action is attached hereto as APPENDIX B.

5. On November 4, 2004, prior counsel of record mailed a copy of its prosecution history file for the above-captioned patent application to current counsel of record. A copy of the letter from prior counsel of record is attached hereto as APPENDIX C. The copy of the prosecution history did not include a copy of the Office Action mailed on October 29, 2004, as the Office Action either had not been received by prior counsel of record or had not been placed in prior counsel of record's application file.

6. On or about November 4, 2004, prior counsel of record received the Office Action mailed on October 29, 2004. Prior counsel of record, however, failed to forward the Office Action to current counsel of record.

7. On May 12, 2005, Examiner Tugbang called current counsel of record to inquire as to whether a reply to the Office Action mailed on October 29, 2004 had been filed, as the six-month period in which to respond had expired April 29, 2004. Current counsel of record informed Examiner Tugbang that: (a) a reply had not been filed because neither Assignee nor current counsel of record had received an Office Action; and (b) it would contact prior

counsel of record to inquire whether an Office Action had properly been received by prior counsel of record.

8. On May 16, 2005, prior counsel of record informed current counsel of record that it had properly received the Office Action mailed on October 29, 2004 and apologized for failing to forward it. In response to this admitted mistake, prior counsel of record faxed a copy of the Office Action to current counsel.

9. On May 16, 2005, in response to the discussion with prior counsel of record, current counsel of record informed Examiner Tugbang that he was fully authorized to issue a Notice of Abandonment because prior counsel of record had properly received the Office Action.

10. On June 1, 2005, Examiner Tugbang issued a Notice of Abandonment.

11. On June 3, 2005, Examiner Tugbang faxed a courtesy copy of the Notice of Abandonment to current counsel of record, as the Notice of Abandonment had been mailed to prior counsel of record. A copy of the courtesy copy of the Notice of Abandonment is attached hereto as APPENDIX D.

REMARKS

This petition to revive should be readily granted because the current Assignee's failure to respond to the Office Action mailed on October 29, 2004 was both completely unintentional and entirely excusable. Specifically, because the Assignee's current counsel of record did not receive the Office Action until May 16, 2005 (*i.e.*, 17 days after the six-month deadline by which to respond to the Office Action), the Assignee's failure to respond timely to the Office Action is completely understandable and excusable. Moreover, it is unreasonable to impute, to the Assignee, prior counsel of record's error in failing to forward the Office Action, which prior counsel of record had properly received.

FEE, TIMELINESS AND TERMINAL DISCLAIMER

A check to cover the \$1,500.00 fee set forth in 37 C.F.R. § 1.17(m) is being submitted currently herewith.

This petition is being timely filed within the two-month deadline set forth in 37 C.F.R. § 1.181(f).


Under 37 C.F.R. § 1.137(d), it is believe that a Terminal Disclaimer is not required, as this utility application was filed after June 8, 1995.

CONCLUSION

In light of the foregoing historical facts and remarks, this Petition to Revive should be granted. The Examiner is invited to contact the undersigned by phone to expedite this process.

• Respectfully submitted,

Date July 1, 2005

By 

Customer Number: 22428
FOLEY & LARDNER LLP
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Richard C. Peet
Registration No. 35,792

Frederic T. Tenney
Registration No. 47,131

Attorneys for Applicants

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.

Algemeen Octrooi- en Merkenbureau

PATENTS • TRADEMARKS • DESIGNS
PLANT BREEDERS' RIGHTS

Foley & Lardner LLP
Suite 500
3000, K Street N.W.
20007-5109 WASHINGTON, DC
U.S.A.

Patent attorneys

Johannes Dohmen
Kitty Veldman
Peter Dorna
Arie Blokland
Rutger Valkonet
Etienne Piot
Joep van Schaik

Consultants

Joep Van kan
Kees Vollebregt

Trademark and design attorneys

Frank Verguld
Saskia Schuit

Plant Breeders' Rights

Ronald Korenstra

*** BY FACSIMILE ***
This message contains 1 page

Our ref.: 200656/KV/iv

Sittard, September 29, 2004

Re: U.S. patent applications in the name of Assembléon Netherlands B.V.

Dear Sirs,

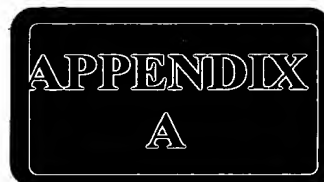
As already informed to you, we are now responsible for the patent applications on behalf of Assembléon. We have informed Philips that we would like your office to be responsible for the U.S. patent applications and patents of this firm. For some background information about this firm, please see www.assembleon.com.

So far Philips Corporate Intellectual Property in the USA was handling these cases. The files I have got from the Intellectual Property Department in Eindhoven, The Netherlands does not seem to be complete. Therefore I would appreciate it if you could inform me about the present status of the below mentioned U.S. patent applications. Since we are responsible for these cases after October 1, 2004, I would appreciate it to be informed as soon as possible.

Our ref.	Philips ref.	Appl. no.
213132	PHA 23583 US	09/773,897
213133	PHA 23583 US	09/773,896
213204	PHN 17489 US	09/594,405
213218	PHNL 010475 US	10/196,100
213223	PHNL 010737 US	10/270,949
213228	PHNE 010810 US	10/493,755
213233	PHNL 010811 US	10/493,794
213265	PHQ 95005 US	08/394,336
213279	PHUS 010648 US	10/024,788

Waiting for your reply, I remain,
yours sincerely,

Algemeen Octrooi- en Merkenbureau
Ir. C.G.C. Veldman



CONFIRMATION

Eindhoven John F. Kennedylaan 2, P.O. Box 645, 5600 AP Eindhoven, The Netherlands. Tel. +31 40-2433715. Fax +31 40-2434557.

mail@aomb.nl <http://www.aomb.nl>

The Hague Veraartlaan 4, 2288 GM Rijswijk, The Netherlands. Tel. +31 70-3906397. Fax +31 70-3950759. mail@aomb.nl

Sittard Poststraat 10-12, P.O. Box 5041, 6130 PA Sittard, The Netherlands. Tel. +31 46-4200420. Fax +31 46-4585456. mail@aomb.nl

Rabobank: IBAN: NL08 RABO 0188248005. Postbank: IBAN: NL65 PSTB 0000151052. Registered in The Netherlands: H.R. Eindhoven 17074382.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,405	06/15/2000	Josephus Martinus Maria Van Gastel	PHN-17.489	9106

24737 7590 10/29/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TUGBANG, ANTHONY D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

APPENDIX

B



Office Action Summary

Application No.

09/594,405

Applicant(s)

VAN GASTEL, JOSEPHUS
MARTINUS MARIA

Examiner

A. Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The applicant(s) amendment filed on 8/17/04 has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

3. Claims 3 and 4 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons set forth in Office Action, dated 10/17/02. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement in the response filed on 8/17/04, the election has been treated as an election without traverse (MPEP § 818.03(a)).
4. Claims 3 and 4 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse based on the reply filed on 8/17/04.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claim 1, the phrase of "wherein... Y-direction" (lines 9-11) is new matter. With the emphasis on the term of "exclusively" (line 10), the specification and drawings as originally filed, do not provide support for the at least two placement heads on the Y-slide moving exclusively and simultaneously in the X-direction. The term of "exclusively" implies that the placement heads move exclusively, or only, in the X-direction, which means that the placement heads cannot move, or are excluded from moving, in any other direction.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, the phrase of "wherein... Y-direction" (lines 9-11) is misleading, confusing rendering the scope of the claim as being vague and indefinite. The term of "exclusively" (line 10) implies that the placement heads move exclusively, or only, "in the X-direction" (line 10), yet this is in contradiction with the recitation that the placement heads are "independently drivable in a Y-direction" (line 11). Furthermore, the specification (at page 4, lines 22-24) explicitly states that the placement heads move along a Y-direction, which means that the

disclosure contradicts with the recitation that “two placement heads arranged on said Y-slide move exclusively simultaneously in the X-direction”.

Claim Rejections - 35 USC § 102

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hata et al.

Hata discloses a machine comprising the following structure: a transport device (board transfer means 22 in Fig. 3); at least one feeder area (region above component supply table 28A in Fig. 2) with electrical components; a Y-slide (shown in Fig. 3) that is independently drivable in an X-direction (vertical direction of arrows in Fig. 3); and at least two placement heads (nozzles 33 on upper head section 31 and nozzles 33 on lower head section 31 in Fig. 3) on the Y-slide.

It is noted that the claimed “Y-slide” is read as the structure defining the pair of head positioning mechanisms 41 shown in Figure 3.

With respect to the “wherein...” clause (last 3 lines of Claim 1), each of the placement heads (upper and lower nozzles 33) of Hata arranged on the Y-slide (pair of head positioning mechanisms 41) move simultaneously in the X-direction (vertical direction of arrows in Fig. 3) and are independently drivable from one another in a Y-direction (horizontal arrows shown in Fig. 3). For example, for positioning of the components on the circuit board in only the X-direction, the placement heads arranged on the Y-slide would move only, or exclusively, in the X-direction. Therefore as best understood, Hata fully satisfies the “wherein...” clause.

Regarding Claim(s) 2, Hata shows a plurality of "Y-slides" (at least 4 pairs of head positioning mechanisms 41 in Fig. 1) integrally connected with each other, with each "Y-slide" having at least two placement heads and being independently drivable in the X-direction.

Response to Arguments

10. Applicant's arguments filed in the response dated 8/17/04 have been fully considered, but have not been deemed to found as persuasive.

In regards to the merits of Hata et al, the applicant believes that Hata does not teach that the at least two placement heads on the Y-slide are independently drivable in the Y-direction and move exclusively simultaneously in the X-direction.

The examiner most respectfully disagrees. The fact that Hata shows at least 4 different motors 47 and 56, which can operate independently from one another including the various directional arrows surrounding the head sections 31 (as shown in Fig. 3), clearly indicates that the at least two placement heads (nozzles 33 on upper head section 31 and nozzles 33 on lower head section 31 in Fig. 3) can move independently from, or simultaneously with, one another in the directions indicated by the arrows.

For example, Hata teaches positioning components in one direction only with motors 47 (see col. 7, lines 30-47). Also, Hata teaches positioning of the components in two directions, X and Y) simultaneously based on the simultaneous operation of both motors 47 and motors 56 (see col. 7, line 63 to col. 8, line 17). Furthermore, the controller 100 of Hata enables positioning or moving of the components exclusively simultaneously in one direction and also independently

in another direction, based on the simultaneous or independent operation of the sets of motors 47, 56 (see Fig. 5).

While Hata fully meets the function of the “wherein...” clause (last 3 lines of Claim 1) as explained above, the examiner reiterates that claims directed to an apparatus or machine may be recited either structurally or functionally. However, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). So the examiner again, poses the following question to the applicant. How does this “wherein...” clause further limit the structure of the machine?

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 3729

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 703-308-7599.

The examiner can normally be reached on Monday - Friday 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Dexter Tugbang
Primary Examiner
Art Unit 3729

October 28, 2004

Philips Intellectual Property & Standards

VIA FEDERAL EXPRESS

November 4, 2004

Mr. Richard Peet
Foley & Lardner LLP
Suite 500
3000 K Street N.W.
Washington, DC 20007-5109

Re: Pending Applications assigned to Assembleon N.V.


Dear Mr. Peet,

As a follow-up to my letter to you yesterday, please find enclosed the following pending applications for your future handling:

PHA23,583 US-A
PHA23,583 US-B
PHN17,489
NL010810
NL010811
US010648

Please feel free to contact me if you have any questions.

Sincerely,



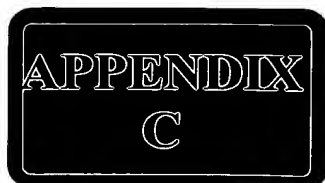
Patti DeMichele
Paralegal for
Philips Intellectual Property & Standards

Encl.



P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001

Tel: (914) 945-6000
Fax: (914) 332-0615





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fax Cover Sheet

Date: 03 Jun 2005

To: Frederick Tenney	From: A. Dexter Tugbang
Application/Control Number: 09/594,405	Art Unit: 3729
Fax No.: 202-672-5399	Phone No.: 571-272-4570
Voice No.: 914-332-0222	Return Fax No.: (703) 872-9306
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:

Attached is the Notice of Abandonment including the address that it was mailed to.

Number of pages 3 including this page

STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPENDIX
D



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,405	06/15/2000	Josephus Martinus Maria Van Gastel	PHN-17.489	9106

24737 7590 06/01/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TUGBANG, ANTHONY D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

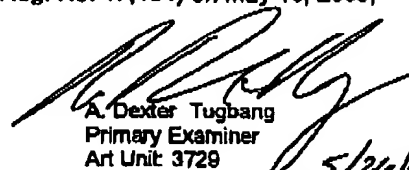
Application No. 09/594,405	Applicant(s) VAN GASTEL, JOSEPHUS MARTINUS MARIA	
Examiner A. Dexter Tugbang	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 29 October 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The examiner has verified with the applicant(s) attorney, Mr. Fredrick Tenney (Reg. No. 47,131) on May 16, 2005, that no response had been filed.


A. Dexter Tugbang
Primary Examiner
Art Unit: 3729

5/26/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Atty. Dkt. No. 082671-0191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josephus Martinus Maria VAN GASTEL
Title: COMPONENT PLACEMENT MACHINE
Appl. No.: 09/594,405
Appl. Filing Date: 06/15/2000
Examiner: Anthony D. Tugbang
Art Unit: 3729

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. **Submission required under 37 C.F.R. §1.114:** (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment and/or reply previously filed on ____.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.



☐ Please consider the arguments in the Appeal Brief or Reply previously filed on ____.

☐ Other ____.

b. Enclosed are:

☒ Amendment/Reply (9 pages).

☒ Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, Change of Correspondence Address (2 pages).

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	6	- 20	= 0	x \$50.00	= \$0.00
Independents	4	- 3	= 1	x \$200.00	= \$200.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$990.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
	EXTENSION FEE SUBTOTAL:			\$0.00
	EXTENSION FEE ALREADY PAID: -			\$0.00
	EXTENSION FEE TOTAL			\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:			\$990.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	TOTAL FEE:			\$990.00

☒ A check in the amount of \$990.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 1, 2005

FOLEY & LARDNER LLP
 Customer Number: 22428
 Telephone: (202) 672-5483
 Facsimile: (202) 672-5399

By



Richard C. Peet
 Registration No. 35,792

Frederic T. Tenney
 Registration No. 47,131

Attorneys for Applicant



Attorney Docket No. 082671-0191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josephus Martinus Maria VAN GASTEL
Title: COMPONENT PLACEMENT MACHINE
Appl. No.: 09/594,405
Filing Date: June 15, 2000
Examiner: Anthony D. TUGBANG
Art Unit: 3729

AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.114

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Final Office Action dated October 29, 2004, concerning the above-captioned patent application.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this document.

Amendments to the Abstract are reflected on page 6 of this document.

Remarks begin on page 7 of this document.

Please amend the application as follows:

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended): A machine for placing components on a printed circuit board, comprising:

- a transport device for transporting printed circuit boards in an X-direction;
- at least one feeder area with components;
- a Y-slide, which is independently drivable in the X-direction; and
- at least two placement heads on said Y-slide,

wherein at least one of each of the at least two placement heads being adapted for placing is configured to place components from the at least one feeder area onto the printed circuit board,

wherein each of the at least two placement heads arranged on said Y-slide is configured to move in the X-direction, ~~move exclusively simultaneously in the X-direction~~ and

wherein movement of a first of the at least two placement heads over a certain distance in the X-direction causes a simultaneous, dependent movement of a second of the at least two placement heads over the same distance in the X-direction, and

wherein each of the at least two placement heads is independently drivable in a Y-direction.

2. (Currently Amended): The machine as claimed in claim 1, ~~further comprising~~ comprising:

a plurality of Y-slides,

wherein each of which are the Y-slides is independently drivable in the X-direction, and

wherein each of the plurality of Y-slides being is provided with at least two placement heads.

3. (Withdrawn – Currently Amended): A method of placing components on a printed circuit board by means of a component placement machine, the method comprising the steps of:

- in a first period of ~~time~~, time:

moving a first placement head to a desired X-Y position above a first-feeder ~~and, subsequently, feeder;~~

picking-up a component from the first-feeder, feeder using the first placement head; and

moving a second placement head along a Y-slide to a desired Y-position so as to prepare for the placement of a ~~previously picked up~~ component previously picked up by the second placement head on the printed circuit-board, board;

- in a second period of time following the first period of ~~time~~, time:

moving the second placement head to a desired X-Y position above the printed circuit-board ~~and, subsequently, board; and~~

placing the component previously picked up by the second placement head on the printed circuit-board, board;

- in a third period of time following the second period of ~~time~~, time:

moving the second placement head to a desired X-Y position above a second ~~feeder and, subsequently, feeder;~~

picking up a component from the second-feeder, feeder using the second placement head; and

moving the first placement head along the Y-slide to a desired Y-position so as to prepare for the placement on the printed circuit board of the component previously picked up by the first placement head in the first period of ~~time~~, and time; and

- in a fourth period of time following the third period of ~~time~~, time:

moving the first placement head to a desired X-Y position above the printed circuit-board ~~and, subsequently, board; and~~

placing the component previously picked up by the first placement head on the printed circuit board.

4. (Withdrawn – Currently Amended): A method of placing components on a printed circuit board by means of a component placement machine, the method comprising the steps of:

- in a first period of ~~time~~, time:

moving a first series of placement heads to ~~a desired X-Y position~~ respective desired X-Y positions above a first ~~feeder and, subsequently,~~ simultaneously feeder;

picking up components from the first ~~feeder,~~ feeder using the first series of placement heads; and

moving a second series of placement heads along ~~one of a multitude a~~ plurality of Y-slides to a desired Y-position respective desired Y-positions so as to prepare for the placement on the printed circuit board of ~~previously picked-up components,~~ components previously picked up by the second series of placement heads;

- in a second period of time following the first period of ~~time~~, time:

moving the second series of placement heads to ~~a desired X-Y position~~ respective desired X-Y positions above the printed circuit ~~board and,~~ board; and

placing the components previously picked up by the second series of placement heads simultaneously on the printed circuit board; board;

- in a third period of time following the second period of ~~time~~, time:

moving the second series of placement heads to ~~a desired X-Y position~~ respective desired X-Y positions above a second ~~feeder and,~~ subsequently, simultaneously feeder;

picking up components from the second ~~feeder,~~ feeder using the second series of placement heads; and

moving the first series of placement heads ~~moves along the one of a multitude~~ the plurality of Y-slides to a desired Y-position respective desired Y-positions so as to prepare for the placement on the printed circuit board of the components previously picked up in the first period of time, and time by the first series of placement heads; and

- in a fourth in a fourth period of time following the third period of time, time:

moving the first series of placement heads to ~~a desired X-Y position~~ respective desired X-Y positions above the printed circuit ~~board~~ and, subsequently, board; and placing the components previously picked up by the first series of placement heads simultaneously on the printed circuit board.

5. (New): A machine for placing components on a printed circuit board, comprising:
a transport device that is configured to transport printed circuit boards in an X-direction;
a first feeder area of components that is provided adjacent the transport device;
a second feeder area of component that is provided adjacent the transport device;
one or more Y-slides each of which is independently drivable in the X-direction; and
at least two placement heads on a first of the one or more Y-slides,
wherein a first of the at least two placement heads is configured to place components from the first feeder area onto the printed circuit board,
wherein a second of the at least two placement heads is configured to place components from the second feeder area onto the printed circuit board,
wherein each of the at least two placement heads arranged on the first of the one or more Y-slides is configured to move in the X-direction,
wherein movement of the first of the at least two placement heads over a certain distance in the X-direction causes a simultaneous, dependent movement of the second of the at least two placement heads over the same distance in the X-direction, and
wherein each of the at least two placement heads is independently drivable in a Y-direction.

6. (New): The machine as claimed in claim 5, further comprising:
a plurality of Y-slides each of which is provided with at least two placement heads.

AMENDMENTS TO THE ABSTRACT

Please amend the Abstract as follows:

A component placement machine ~~comprising~~ includes: a transport device (1) device for transporting PCBs (3) ~~in an X-direction, a first and a in an X-direction; first and second~~ feeder area (4, 5), ~~each area comprising at least one feeder (6_a, 6_b, 6_c, 6_d, 7_a, 7_b, 7_c, 7_d) for~~ storing components, ~~at areas; at least one Y-slide beam (8-11) which that is drivable in the X-~~ direction; X-direction, and at least two placement heads (H_{set}) ~~on heads on~~ each Y-slide beam, which placement heads are independently drivable in the Y-direction and dependently drivable in the X-direction. Each feeder area includes at least one feeder for storing components. Such a machine enables a number of actions to be performed simultaneously. For example, within a certain period of time, a plurality of placement heads can simultaneously pick up components from a feeder, while ~~in the same period of time, other~~ placement heads, which previously having picked up components at an earlier stage, are components, may be moved to desired X-Y positions of the PCB. This results PCB at which the previously picked up components may be placed, thereby resulting in an improved output.

REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-4 that were pending in the application, claims 1 and 2 were rejected in the Office Action and claims 3 and 4 remain withdrawn from consideration. By way of this amendment, Applicant has, without adding new matter: (a) amended claims 1-4; and (b) added new claims 5 and 6

In light of the foregoing claims 1, 2, 5, and 6 are respectfully presented for further consideration.

1. Rejections of Claims 1 and 2 under 35 U.S.C. § 112

Claims 1 and 2 were rejected under 35 U.S.C. § 112, ¶¶ 1, 2 as a result of the term “exclusively” being construed to modify the movement of the placement heads rather than the term “simultaneously.” Applicant respectfully submits that these rejections are now moot due to the amendments made herein to claim 1. A withdrawal of rejections of claims 1 and 2 under § 112 is, therefore, both warranted and respectfully requested.

2. Rejection of Claims 1 and 2 under 35 U.S.C. § 102(b)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,778,525 (“Hata”). For at least the following reasons, Applicant respectfully traverses this rejection.

As amended, claim 1 (*i.e.*, the claim from which claim 2 depends) recites a machine for placing components on a printed circuit board. This machine includes, among other possible things (*italic emphasis added*):

- a transport device for transporting printed circuit boards in an X-direction;
 - at least one feeder area with components;
 - a Y-slide, which is independently drivable in the X-direction; and
 - at least two placement heads on said Y-slide,
- wherein at least one of the at least two placement heads is configured to place components from the at least one feeder area onto the printed circuit board,
- wherein each of the at least two placement heads arranged on said Y-slide is configured to move in the X-direction,
- wherein movement of a first of the at least two placement heads over a certain distance in the X-direction causes a simultaneous, dependent movement of a second of the at least two placement heads over the same distance in the X-direction, and*
- wherein each of the at least two placement heads is independently drivable in a Y-direction.

As hereafter explained, Hata fails to teach or suggest such a machine.

In making the rejection, the Examiner analogizes two of Hata's head positioning mechanisms 41 (Figure 3) to the Y-slide recited in claim 1, as such an analogy supports the Examiner's argument that the Y-slide (*i.e.*, both head positioning mechanisms 41) includes two placement heads (*i.e.*, nozzles 33 on mounting head sections 31). Moreover, this analogy also supports the Examiner's argument the placement heads (*i.e.*, nozzles 33) are independently movable in the (horizontal) Y-direction. With this understanding, however, the rejection can not stand for at least the following reasons.

As amended, claim 1 recites, as above-italicized, that the "movement of a first of the at least two placement heads over a certain distance in the X-direction causes a simultaneous, dependent movement of a second of the at least two placement heads over the same distance in the X-direction." In contrast to this limitation, Hata's placement heads (*i.e.*, nozzles 33) are independently controlled to move in both the X-direction and the Y-direction. *See, e.g.*, col. 2, lines 55-56; col. 4, lines 2-6; col. 10, lines 19-20, 57-58; and col. 12, lines 7-10.

For example, the movement of Hata's upper nozzle 33 (Figure 3) in the (vertical) X-direction is controlled by a specifically associated step motor 56. Similarly, the movement of the upper nozzle 33 in the (horizontal) Y-direction is controlled by the specifically associated head positioning mechanism 41 associated with the upper nozzle 33. The movement of the upper nozzle 33, however, has no impact on the lower nozzle 33. Rather, the movement of the lower nozzle 33 in the X-direction and the Y-direction is controlled by its associated step motor 56 and head positioning mechanism 41, respectively. In other words, movement of one of Hata's placement heads (*e.g.*, the upper nozzle 33) over a certain distance in the (vertical) X-direction, does not cause a simultaneous movement of the other placement head (*e.g.*, the lower nozzle 33) over the same distance in the X-direction.

In contrast to Hata, the instant application teaches Y-slides 8-11, each of which is provided with at least two placement heads H_{xx} . The movement of one of the placement heads (H_{11}) on a particular Y-slide (8) over a certain distance in the X-direction, causes the other placement head (H_{12}) on that Y-slide (8) to move over the same distance in the X-direction. As a result, whereas the movement in the Y-direction of the placement heads (H_{11} , H_{12}) on a particular Y-slide (8) is independent, the movement in the X-direction of those placement heads (H_{11} , H_{12}) is dependent.

In light of at least the foregoing reasons, Hata fails to teach or suggest each of the limitations of claim 1. As a result, Hata can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claim 2 depends from claim 1,

claim 2 is also allowable over Hata, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the rejection of claims 1 and 2 under § 102(b) is both warranted and earnestly solicited.

3. New Claims 5 and 6

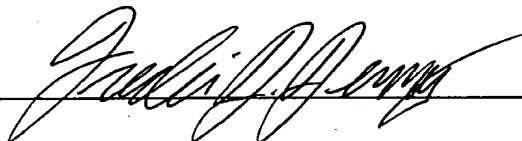
New claims 5 and 6 recite subject matter that is similar to claims 1 and 2, respectively, and are, therefore, allowable for at least the same reasons. In contrast to claims 1 and 2, however, claims 5 and 6 specifically recite two feeder areas, each of which supplies components to an associated placement head.

CONCLUSION

For the aforementioned reasons, claims 1, 2, 5, and 6 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date July 1, 2005

By 

Customer Number: 22428
FOLEY & LARDNER LLP
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5143

Richard C. Peet
Registration No. 35,792

Frederic T. Tenney
Registration No. 47,131

Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Attorneys for Applicant

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josephus Martinus Maria Van Gastel
Title: COMPONENT PLACEMENT MACHINE
Appl. No.: 09/594,405
Filing Date: June 15, 2000
Examiner: Anthony D. Tugbang
Art Unit: 3729

REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE
APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE
CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Assembléon N.V. is the assignee of Application No. 09/594,405 filed June 15, 2000, and all continuing applications thereof, as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on August 9, 2004 at reel/frame 015057/0391.

Assembléon N.V., through its duly-delegated representative, hereby revokes all prior Powers of Attorney submitted in this application, and hereby appoints

the registered patent attorneys and patent agents associated with Customer Number:

22428

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to



revoke the power of attorney of any associate attorney.

Please direct all future correspondence concerning this application to:

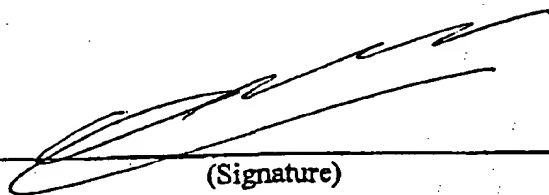
Richard C. Peet
FOLEY & LARDNER LLP
Customer Number: 22428

Telephone: (202) 672-5483
Facsimile: (202) 672-5399

Executed this 3rd day of May, 2005

ASSEMBLÉON N.V.

By:



(Signature)

C.A. Scholten

(Printed Name)

CEO

(Title)